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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,242

05/09/2007

Masayoshi Son

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EXAMINER

KUDDUS, DANIEL A

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,242	<b>Applicant(s)</b> SON, MASAYOSHI	
	<b>Examiner</b> DANIEL KUDDUS	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/25/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

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1. This action is responsive filed on September 25, 2006. Claims 1-8 are pending and have been considered below.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on 09/25/06 has been considered by the examiner.

### *Objection*

3. Abstract is objected, because it contains more than 150 word.

Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Applicant is required to submit a new abstract on a separate sheet of paper. See MPEP § 608.01 (b).

Specification is objected, because claims are attached with the specification. It is recommended to submit all of the claims in separate sheet of papers with clear claim numbering.

***Claim Rejections- 35 USC § 112 2<sup>nd</sup> Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation of “the extension” in line 3, wherein the antecedent basis for said limitations are not clear because “the extension” has not been previously set forth.

Claim 5 recites the limitation of “the railway” and “the roadway” in line 2 and 3, wherein ‘the railway’ and ‘the roadway’ has not been previously set forth. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections-35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Deaton et

al. (US 6611811 B1).

With reference to claim 1, Deaton et al. teach **a backup system comprising: a storage device connectable to a terminal device and operable to accumulate data** (see figure 1, e.g. host system 110, remote system, column 1, line 53-57, a store includes processing items in a customer order and after processing, accumulating the price of each item), **a backup server connectable to said terminal device through an IP network which is constructed by connecting communication lines with each other** (see figure 1, e.g. remote system, column 6, line 19, data communications network, column 18, line 27-30, certain database management functions, such as purge and backup, as well as host/remote communications for global update), **a monitoring section operable to monitor the data occupancy ratio in said storage device on said terminal device side** (see column 70, line 36-59, e.g. the system can store the absolute number of generics purchased by a particular customer or the ratio of generics to non-generics, or alternatively the proportion of generic expenditures to total expenditures. Information is monitored by the present system so that the coupon cashing history of a customer may be stored and maintained), **an extracting section operable to extract, when the data occupancy ratio is greater than a predetermined ratio, data in accordance with the data attribute in said storage device** (see column 37, line 32-34, an updated customer record from which the desired information may be extracted, column 1, line 53-61, processing each of a plurality of items in a customer order and after processing each item, a signal is generated indicating that the accumulated price exceeds a predetermined threshold, column 139, line 5-8, revenue, profit, frequency of shopping, or other attributes associated with a particular customer), **an upload section operable to transmit the data, which is extracted by said extracting section, to said**

**backup server** (see column 50, line 31-38, extracts the transfer date/time and check ID from the retrieved customer record, and determines that the current event time, which defines the end of the current global update, column 49, line 21-25, after execution of the activity, the current event time is written into the activity routine's control data block to define the beginning of the next global update event interval or for the backup activity), **a difference data producing section located on said backup server side and operable to produce difference data between existing data which is already accumulated and upload data which is transmitted by said upload section, a difference accumulating section operable to accumulate said difference data which is produced** (see column 26, line 2-6, modifying the status of an existing customer record and/or negative status record, although new records may be created. In addition, local input functions are used to add or delete user flags, column 28, line 1-8, host and remote status are compared, and if different, the host assigns status according to predetermined status arbitration criteria. The host then adds the frequency/\$amount accumulated at the remote since last transfer to the host dwt frequency/\$amount, updating the host record accordingly, column 27, line 42-45, a global update session is initiated by a remote system, or in the alternative by a host computer), **transmit said download data, which is produced, to said terminal device** (see column 27, line 43-54, the remote transmits only those negative status or selected customer records accessed (updated) since the last host/remote file transfer).

With reference to claim 2, Deaton et al. teach **wherein said extracting section is operable to determine, as data attributes, the extension and last update date and time of a data file, and extract data in accordance with a data attribute which is set by a user** (see column 9, line 20-26, detecting or parsing followed by extraction of that set or sets which have been

defined as the customer checking account number. The customer's checking account number and the bank transit number to be parsed or detected and the remainder of the data extracted, column 50, line 61-67, writing the transfer date/time and check ID extracted from the just-sent customer record into a request data location).

With reference to claim 3, Deaton et al. teach **wherein said upload data is broadcast content, which is received through a radio wave broadcast and stored on said broadcast content side, wherein said difference data producing section is operable to produce said difference data as noise which is generated during receiving said broadcast content** (see column 43, line 37-48, a poll token is broadcast and the task waits until either an answer packet is received, or a time-out period transpires, before sending the next poll. When a transaction terminal signs on, its internal network communication software causes an message to be displayed, column 9, line 37-41, the output from read head is applied to a magnetic wave-form analyzer which applies an analog signal to the analog to digital converter, column 140, line 22-30, accesses a web site, the web server can pass the connecting computer an identification token known as a cookie. The computer stores this cookie, and when asked for the contents of this cookie from the web server in future visits, the web server can use the cookie contents as an ID to enable an automatic identification of the computer. The customer may be identified by identifying a chip used in or with the customer's computer).

With reference to claim 5, Deaton et al. teach **wherein said radio wave transmitter section is located alongside the railway or the roadway** (see column 137, line 60-67, support personnel transporting the goods to the shopper's vehicle).

Claims 6 and 7 have the same subject matter except method claim and Deaton et al. teach (see abstract, a method for customer promotion include sequentially processing each of plurality of items in a customer order. The price of each item is accumulated). Therefore claims 6 and 7 are rejected under same rationale of claims 1 and 3 above.

### ***Claim Rejections-35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deaton et al. (US 6611811 B1) as applied to claims 1 and 6 above and further in view of Devine et al. (US 2002/0095399 A1).

With reference to claims 4 and 8, Deaton et al. teach **wherein said broadcast content is reception content which is received through a radio wave broadcast by a content server located on said IP network** (see column 8, line 20-22, network communications interface provides 32 ports for up to 32 transaction terminals. The data communications network uses the RS485 line protocol, column 43, line 37-48), **wherein said existing data in said backup server is said reception content** (see column 18, line 27-31, the event-driven activities involve certain database management functions such as purge and backup, as well as host/remote communications for global update, automatically performed).  
Deaton et al. explicitly does not teach **rebroadcasted by a radio wave transmitter section**



**connected through said IP network.** However Deaton et al. in combination of Devine et al. teach (see paragraph [0475], each service dataset is received it is combined with other dataset and re-broadcast until the destination subscriber receives the subscribed-to datasets), Deaton et al. providing a method for customer promotion of a store includes sequentially processing each of a plurality of items in a customer order received over the internet and accumulate the price of each item (column 2, line 1-6). While, Devine et al. teaches a system includes network for providing automatic data retrieval, analysis and reporting services (RAR) to interconnected desktop and mobile computer users (paragraph [0002]). One of ordinary skill in the art at the time of the invention would have been motivated to include the features as taught by Deaton et al. to improve customer promotion of a store includes sequentially processing each of a plurality of items in a customer order of Deaton et al. for having a system that give organizations a capability to realize an efficient and cost-effective implementation of RAR services.

Therefore it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the teaching of Deaton et al. by applying the teaching of Devine et al. for providing automatic data retrieval, analysis and reporting services to interconnected desktop and mobile computer users, which has low inherent operational risk, low cost, high scalability, and a minimal requirement for training of system users (see Devine et al. paragraph [0004]).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communication from the examiner

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should be directed to Daniel A Kuddus whose telephone number is (571) 270-1722. The examiner can normally be reached on Monday to Thursday 8.00 a.m.-5.30 p.m. The examiner can also be reached on alternate Fridays from 8.00 a.m. to 4.30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or processing is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Kuddus

Date: 04/30/09

/Charles Rones/  
Supervisory Patent Examiner, Art Unit 2164